

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KERRY LEE BEAL,
TDCJ-CID NO.1142223,
Plaintiff,

v.

HARRIS COUNTY SHERIFF'S
DEPARTMENT, *et al.*,
Defendants.

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Civil Action No. H-07-1022

OPINION ON DISMISSAL

Plaintiff Kerry Lee Beal, a state inmate, filed a civil rights action in state court. Because no action has been taken on plaintiff's pleadings, plaintiff seeks to remove this case to federal court. Plaintiff has no authority to remove this action to federal court because plaintiff instituted the state court proceedings, and, to the extent these actions stem from his criminal proceedings, such proceedings do not qualify for removal. See 28 U.S.C. §§ 1441(a) & 1443; *McKenzie v. United States*, 678 F.2d 571, 574 (5th Cir.1982) (noting "only a defendant, never a plaintiff, may remove a civil action from state to federal court"). Therefore, this court lacks jurisdiction over plaintiff's motion and must dismiss the motion on that basis. See *Arizonans for Official English v. Arizona*, 520 U.S. 43, 73 (1997).

Accordingly, plaintiff's "Motion Requesting Removal" (Docket Entry No.2) is DENIED and this action is DISMISSED, with prejudice, for want of jurisdiction. All other pending motions are DENIED.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on this 17th day of April, 2007.


MELINDA HARMON
UNITED STATES DISTRICT JUDGE